



STATE OF NEVADA
Nevada State Board of Massage Therapy
1755 E. Plumb Lane Suite 252
Reno, NV 89502

Governor Jim Gibbons

BOARD MEMBERS

Reagan Alexander*
Karen Sartell*
Billie Shea*
Joe Cracraft*

NON-BOARD MEMBERS

Lisa Cooper*, Executive Director
Keith Marcher*, AG Office

BOARD MEMBERS:

Paula Spradling*
Michelle Viesselman*
Deborah Wenig*
Linda White*

*Present

Minutes

DATE: January 12, 2007
TIME: 9:00 a.m.

LOCATION:

Nevada Department of Justice
Office of The Attorney General
100 North Carson Street
Carson City, Nevada

VIDEO CONFERENCE LOCATION:

Grant Sawyer State Office Building
Attorney General Conference Room 4500
555 E. Washington Ave
Las Vegas, Nevada

1. Roll call/Introduction of Board Members
All the Board Members were present.

2. Discussion/Approval on Board Minutes from Prior meeting
There were three corrections to the minutes: page 2, last paragraph, change 'l' to 'lf'; page 3, #4, 3rd sentence, change 'though' to 'through'; and page 6, #12, last sentence, change 'license, to 'certification'. Debra Wenig made a motion that the minutes be accepted with the above corrections. The motion was seconded by Paula Spradling and the minutes were unanimously accepted.

3. Massage license applications

a. Licenses approved and authorized by the Chair

Lisa Cooper reviewed the list of licenses that had been approved since the last meeting. She pointed out that the name that was highlighted in pink was one that the Board had placed on probation. The name highlighted in red is one that is on hold because the individual was arrested on 12/18/06. The Board will hear this case at a future meeting. Ms. Cooper reported that she is now getting a list of individuals arrested for prostitution from the Metropolitan Police Department. She thanked them for providing this information.

b. Approval of Reciprocity license to Nevada

Wendy Gross

Kathy Holcombe

Connie Carruth

Brian A. Drindo

Kimberly D. Cseplo

John T. Wescott

Lisa Cooper next reviewed the list of massage therapists who are moving to Nevada from other states where they were licensed as massage therapists. Ms. Cooper received documentation from the other states that a background check had been conducted. All the individuals have been in practice for at least ten years. Karen Sartell made a motion that these individuals be approved to receive a Nevada State Massage Therapy License. This motion was seconded by Michelle Viesselman and unanimously approved by the Board.

Lisa Cooper referred the Board members to a questionnaire that had been included in their packet. She sends this questionnaire to people who have been named as personal references. She asked the Board if they had any comments or questions regarding the questionnaire. Joe Cracraft suggested that the questionnaire be given a title. The Board members had no other suggestions.

Billie Shea asked the Board members to review the sample probation terms that had been included in their packet. She pointed out that the Board could modify these terms as they reviewed the applicants. They could also choose to incorporate additional terms of probation or choose to only use a few of the terms.

The Board then reviewed the applications. The review was not in the order listed in the agenda because some of the applicants were not able to stay for the entire Board Meeting.

c. Review application of Lou Cunying for approval, denial or other administrative action pursuant to NRS 640C.700

Billie Shea asked the applicant, Lou Cunying and her certified interpreter, Alex Young, to introduce themselves to the Board and explain the circumstances regarding the arrest. Ms. Cunying said she did not know. Ms. Shea stated that on August 21, 2002, Ms. Cunying was arrested; were there any warrants, arrests since that date? Ms. Cunying said no. She was then asked if she was currently working? The applicant stated that she worked at Sun City and had worked there for about six months. Before working there, she was unemployed. Reagan Alexander asked for clarification. The date of arrest was August 11, 2002, is that correct? Ms. Cunying replied yes. She was then asked if she was working as a licensed massage therapist when she was arrested. She replied yes. Mr. Alexander asked if the license was from the city or county? It was from the City of Las Vegas. What is the name of the establishment where you were working when you were arrested? It was Sun City Spa on Paradise. Have you worked at that location recently? She worked there about one year. What were the dates of employment? The applicant stated that she worked there from about August 1, 2002 until November 2003. Does she know the people who run the establishment? Yes but she was unable to provide the names. Do you plan on working there if the Board gets you a license? No, she does not plan on working there. Where do you plan on working? She is currently looking for employment. There is a business address on the application: where does that come from? Ms. Cunying stated that she quit after working there for 1 month.

Ms. Shea asked Ms. Cunying if she was able to explain to the Board what happened on August 11? The applicant again was not able to explain what happened. Ms. Shea stated that the Board was being provided with a very sketchy history. Billie Shea asked the Board if they were willing to table this application for now until more information could be

provided. Keith Marcher informed the Board that if the Board tabled the application, the Board needed to be specific regarding the information that it required to complete its review of the application. Ms. Cunying indicated she wished to continue. She was again asked what she has been doing? The applicant replied that she has occasionally been working. Where has she been working? She has been working at an establishment on Sahara? What is the name of the facility? She does not remember. Her application was placed on hold temporarily while Lisa Cooper checked with the County for the name of the business on Sahara. Meanwhile the Board continued reviewing other applications. Subsequently Ms. Cunying asked the Board to defer her review, maybe until April. Her application will remain on hold until she can be placed back on the schedule for review.

- d. Review application of Millie Vargas for approval, denial or other administrative action pursuant to NRS 640C.700

Michelle Viesselman recused herself as a voting member because of a personal relationship with Ms. Vargas.

Billie Shea asked Ms. Vargas to introduce herself and explain the past charges. Ms. Vargas stated that she did not have a police record as a massage therapist. She did not have a massage therapy license in New Jersey where she worked 8 or 9 years ago. She moved to Las Vegas and submitted to fingerprinting and the background check to get her Clark County independent massage therapist license. She has worked continuously since getting her license at the Desert Breeze Massage Spa since 2002. The Board asked about her prior charges. She was charged with check fraud in 1977. She made restitution and was placed on probation. Her record was expunged. In 1998 she was charged with prostitution and arrested. She paid a fine. She has not had any other problems since that time. She owns the business where she works. She was asked if she did any outcall? She replied that she does this very rarely and only if she knows the client.

Linda White made a motion to approve her application. Joe Cracraft seconded the motion and the Board approved her application.

- e. Review application of Gui Fang Mao for approval, denial or other administrative action pursuant to NRS640C.700

Michael Lee, attorney, introduced himself and Gui Fang Mao. Benson Lee, a former attorney was also present. Ms. Mao did not complete page 2, educational training and NCTMB certification. Her education in the United States was at the USA Pain Care College and she graduated August 14, 1999. She has a City of Las Vegas independent massage therapy license and she currently works at the Limon Chinese Massage, 4035 W. Sahara.

Reagan Alexander asked where the solicitation occurred in 2002? This took place at the Imperial Chinese Massage, 700 E. Sahara. Lisa Cooper talked with the Metropolitan Police Department and the City of Las Vegas. There are no blemishes on the record of the establishment. Lee Ping Shep is the owner and she is a licensed massage therapist. Ms. Mao was asked about the working environment at the Imperial Chinese Massage. There are 7 rooms with two people working. She works nine hours per day. The supervisor is on the premises during most working hours. Does Ms. Mao rent her room or is she paid on a commission basis? She rents the room. When the owner is there, she collects the money. If she is not there, then Ms. Mai collects the money and gives it to the

owner. Ms. Mao receives her fee from the owner. The owner makes appointments when she is there, otherwise Ms. Mao books the appointments.

Billie Shea stated that there have been no arrests for awhile and she has been working 5-6 years as a massage therapist. She asked for assurance that Ms. Mao understands the difference between massage therapy and prostitution. Ms. Mao stated that she understands the difference. Linda White made a motion that her application be approved. Joe Cracraft seconded the motion and the Board recommended unanimously to approve the motion.

f. Review application of YuJun Wang for approval, denial or other administrative action pursuant to NRS640C.700

YuJun Wang was introduced to the Board by her attorney, Matthew Palowsky who also introduced her husband, Amos Maly, her pastor, Nathan Hale, from Faith Lutheran Church and Jenny Lui, a certified court interpreter. Copies of the court judgment and arrest report were provided.

Ms. Shea asked if Ms. Wang could explain the solicitation of prostitution charge? Ms. Wang stated it was a miscommunication. She came from the People's Republic of China and did not speak good English when she arrived in the United States. Her attorney stated that Ms. Wang was not a deviant. She has four children. She works fourteen hours per day to provide money to get them through college. She has an excellent reputation. She has been active in her church for the past two years. There has been no charge prior or since this incident. At the time of the citation, she worked at the Sun City Spa. She stopped working there and is now working at the Rainbow Spa on W. Flamingo. Her license is necessary to maintain income for her family. At the time of her trial, she was not allowed to bring an interpreter to court then.

Reagan Alexander pointed out that Ms. Wang was found guilty on May 19, 2004 of a solicitation of prostitution charge by the Las Vegas Police Department Vice Squad. How long has she worked at the Rainbow Spa and is she considered an employee or an independent contractor? She has worked there around two years and she is an independent contractor.

Michelle Viesselman asked if did any outcall massage? The applicant stated that she has never done any outcall massage.

The pastor, Nathan Hale, then spoke to the Board. He stated that he had met Ms. Wang around Christmas, 2004. She came as a visitor and then continued to attend the church. She has since joined the church. She attended pre-marital counseling and was married in October 2006. He does not know everyone in the church but he does know this family because of Ms. Wang's involvement in church activities. He speaks very highly of her. She came to an English-speaking church so that her husband Amos could help her participate. The pastor has been to their home.

Ms. Wang was then asked how long she has been working in Nevada as a massage therapist? She has worked in Nevada for three years. She received her NCBTMB certification in 2002 and was licensed after that. What type of license does she have? She has an independent massage therapist license. Reagan Alexander asked if she had any action taken against her by the Clark County business license because of the arrest and

conviction? No action was taken against her. Did she have a City of Las Vegas license when she was arrested? Yes, she did and it was revoked and she never re-applied.

The Board reviewed her application. Ms. Wang was informed that she should have checked 'yes' on Section 2, Question 1, 'Have you ever had any disciplinary proceedings instituted against you relating to your license to practice massage?' She informed the Board that she went to the Metropolitan Police Department and they said that she did not have to disclose her arrest and conviction in Question 1. She was told to place that information in Question 2. Reagan Alexander pointed out that it is her responsibility to attest to the veracity of her application. She should have listed the City of Las Vegas under Section 1 and written that her license had been revoked by the City. She did not provide full disclosure. He stated that in a prior review on December 7, 2006, the Board had placed an applicant on probation that had not been convicted.

Linda White pointed out that the spa where she works may have rules and regulations. How many employees? There are four employees. Are all of them Independent contractors? Yes, all are independent contractors. Is the booking done through the front desk? Yes, the booking is done through the front desk. Are the massage therapists paid by the clients directly or are they paid on commission? The massage therapists are on commission and the clients pay the front desk. How many massage rooms? There are five massage rooms.

What is the name of the owner? She is Ceiping Huang. The Board needs to know if she is currently licensed as a massage therapist and, if the owner is currently licensed, is Ms. Wang willing to work under supervision. Ms. Wang stated that the owner has a state license.

The Board discussed what type of action they wished to take. Possible actions include being placed on probation for 1 year with any change of address or employment reported within 15 days. There will be no outcall. She will be given a list of establishments that the Board does not wish her to work. She must take an ethics class within 90 days. The Board would like a criminal history submitted now and at her renewal. In addition, the Board would like her fingerprints submitted. She must have a supervisor while she is working; she is not allowed to work alone. This may mean that she will have to adjust her hours so that someone else is there while she is there. If she has any contact with law enforcement for any reason, she must report the contact to the Board within 48 hours.

Michelle Viesselman made a motion that her application be approved and she be placed on probation with the above conditions. Joe Cracraft seconded the motion and it was approved by the Board. Ms. Wang will receive a letter from Lisa Cooper outlining the specific requirements. Ms. Wang must meet these requirement in order to continue working. At the end of her probationary year, Ms. Wang will come back before the Board for review.

Paula Spradling stated that she would like to visit some of these establishments that have had massage therapists cited for solicitation of prostitution. Reagan Alexander stated that he could arrange this and thought it was a good idea as it would expand the Board's understanding.

- g. Review application of Han Fengxia for approval, denial or other administrative action pursuant to NRS640C.700

Han Fengxia did not attend the meeting. The Board discussed whether it could review the application without the applicant being present. Joe Cracraft made a motion to postpone the review and it was seconded by Michelle Viesselman. The Board voted to postpone review of the application with two abstaining (Debra Wenig and Linda White). The application was placed on hold and an appointment will be made for review at a later date.

- h. Review application of Hong Summers for approval, denial or other administrative action pursuant to NRS640C.700

Hong Summers was the next applicant interviewed. Patrick Lan, interpreter, introduced himself and a friend of Ms. Summers, Wen Juan Zhang, who came to provide a character reference. Ms. Summers is currently working at the Pearl Orient Acupressure Massage on a part time basis and also works part time selling vegetables.

She was asked when she was first arrested. She was arrested on 3/8/2002 and 5/22/2002 for solicitation for the purpose of prostitution. Each time the case was dismissed. Where was she working when she was arrested? She was working at the Pearl Orient Acupressure Massage.

Wen Juan Zhang then spoke on Ms. Summers' behalf. She reported that she has known Ms. Summers for seven years and that she is a good character. Ms. Zhang was asked what she does for a living. She works part time at the same vegetable place as Ms. Summers,

Ms. Summers was asked what she would do if her license was approved and someone approached her in the same manner today as in 2002; how would she handle that situation. She said that she would refuse to do illegal things. She was asked if she would undrape the client now and she responded that she would not.

Paula Spradling asked why she had not changed her place of employment. Ms. Summers responded that she thought she was not guilty and she liked working at that location. She was asked if she understood that she can stop the massage at any time? She did not understand before but she does now. She is going to the Community College of Southern Nevada and taking English as a second language.

Billie Shea asked if Ms. Summers understood that if she was given an opportunity to go on probation and if she was arrested again, her license would be revoked and she would never get it again. If she is asked by a client to perform an illegal activity, she is to leave the room immediately and find the owner.

Billie Shea asked the Board if there were any recommendations. Reagan Alexander asked that she be restricted from working at the Pearl Orient Acupressure. He asked that Lisa Cooper check if there have been problems in the past at that establishment. It is his understanding of the City of Las Vegas regulations that if an establishment receives two convictions for prostitution, the City will revoke or suspend the business license. Billie asked that Lisa Cooper also check if the owner of the Pearl Orient Acupressure is a Nevada State licensed massage therapist.

Reagan Alexander stated that he was not sure why the City of Las Vegas had not revoked her massage therapy license. He asked when she began working as a massage therapist. She began working in January 2002. How are you paid at the Pearl Orient Acupressure? She is paid on commission with a 30/70 split. How does she receive the pay? She is paid from the front desk. Who arranges the appointments? The appointments are arranged by the owner, Ah Ying. Ms. Summers does not know her last name. She is a licensed massage therapist but Ms. Summers is not sure if she is state licensed.

Billie Shea recommended that Ms. Summers receive two years probation. If she has any contact with law enforcement she is to report this contact to the Board immediately. She cannot do outcall. She must notify the Board of her working address and employer. She must have a supervisor sponsoring her. She cannot work at the Pearl Orient Acupressure. There are also a few other places where she will not be able to take employment. She must complete six hours of ethics education within 90 days. She must submit to a criminal background check and fingerprinting. She will have to find a sponsor, licensed in the State of Nevada and she can only do massage when the supervisor is present. Any address change must be reported within 15 days. If the client suggests something not of a legal nature, she is to leave the room. Any infraction, and her license will be revoked. Does she have questions? Ms. Summers did not have any questions. Michelle Viesselman made a motion to accept the recommendations as stated. Paula Spradling seconded them and the Board approved the application. A letter outlining the terms of probation will be sent to Ms. Summers.

The Board asked Lisa Cooper if the applicants were asked to bring their court papers. All the applicants are requested to bring their court papers but many are not complying. The Board asked that from now on the review be held until the court papers have been received.

4. Financial Report (bank balance, expenditures)

Lisa Cooper reviewed the financial report. The format has been changed and she is formatting Quickbooks to match this new format. Michelle Viesselman made a motion to accept the report and the motion was seconded by Paula Spradling. The Board unanimously accepted the report.

5. Executive Director Report

Lisa Cooper reported that the State Board of Massage Therapy Office has moved into its Reno office and provided the new address and phone and fax numbers. The furniture, copy machine (which also prints, faxes and scans) and the computer are installed and running. An Assistant/Investigator has been hired for the Reno office and will begin work on January 22, 2007. His name is Michael Siva. Previously he worked for the City of Reno business licensing.

Lisa Cooper informed the Board that she hired one temporary office employee to assist with the administrative work on a part-time basis. This individual has been working since last Friday. She will have to leave to work with LCB part time while the legislature is in session and then will return.

Lisa Cooper reported that she and Billie Shea attended meetings on January 10 and January 11 with the Nevada School of Massage, Las Vegas College, Wynn Resort and the City of Las Vegas. The meetings were informative for both sides. The meeting with the City of Las Vegas

was very positive. The Board will continue working closely with the City of Las Vegas and other jurisdictional entities in Nevada. As the Board hires more staff and is able to provide more services, the cities and counties will feel more comfortable and not repeat work that the Board is already doing. The City of Las Vegas is considering stopping fingerprinting and background checks on massage therapists since the Board is doing it. Clark County and the City of Henderson have already stopped doing these procedures.

6. Discussion on NAC Workshop

- a. Exemptions
- b. CEU

Lisa Cooper reviewed the discussion that took place at the NAC Workshop in December 2006. Representatives from massage schools, from city/county business offices, from spas and independent massage therapists attended the meeting. They reviewed the NACs on sanitation and suggested some modifications. The NACs on continuing education was not presented at this meeting. The continuing education NACs will be presented at a meeting on February 9, 2007.

The Board then began discussion regarding exemptions. There is concern that the exemptions will provide a 'back door' for people to enter the massage therapy profession. At the same time there was also a concern that if massage therapists used techniques that other professions considered belonged only to their profession, that the massage therapist would have to become licensed in that profession also. Reagan Alexander gave the example that when the City of Las Vegas licensed reflexologists, people moved from the City to the County which only required a drugless practitioner's license. If the Board exempts modalities, will the Board still be responsible for keeping a database on these people. This discussion was tabled for now. The American Massage Therapy Association is re-writing their section on exemptions. Lisa Cooper and Keith Marcher will review the regulations and discuss if the Board can accept other professional organization's testing. The Board also asked if it should make any recommendations as to what type of ethics classes those on probation should take? The Board is mandating that those on probation take ethics classes: should the Board also mandate where the massage therapists should attend the ethics classes.

7. Future agenda items

Billie Shea asked the Board members to let Lisa Cooper know if they had agenda items for the next meeting.

8. Public Comments

There were no public comments in Las Vegas.

Steve Deci provided background information regarding his education and work history and asked if it is legal for him to work in Douglas County? Billie Shea pointed out that this was an opportunity to hear public comments and that the Board could not answer his question at this time. She suggested that Lisa Cooper arrange a conference call the following week with Mr. Deci, Lisa Cooper and Keith Marcher to discuss this issue.

Michelle Viesselman thanked Lisa Cooper for all of her efforts on behalf of the Nevada State Board of Massage Therapy. The other Board members agreed and Lisa Cooper was applauded.

9. Adjournment

The Board Meeting adjourned at 12:35 p.m.